

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE SE/S Waelchli Ave., 600 ft. +/- SW of Potomac Avenue 98 Waelchli Avenue 13th Election District 1st Councilmanic District Bernard J. Wingate, et al Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 95-82-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Bernard J. Wingate and Verna D. Miller for that property known as 98 Waelchli Avenue in the Arbutus section of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (garage) in the side and front yards in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of September, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (garage) in the side and front yards in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.
4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 27, 1994

Mr. Bernard J. Wingate
Ms. Verna D. Miller
98 Waelchli Avenue
Baltimore, Maryland 21227

RE: Petition for Administrative Variance
Case No. 95-82-A
Property: 98 Waelchli Avenue

Dear Mr. Wingate and Ms. Miller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 98 Waelchli Avenue, 21227

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to allow an accessory structure (garage) in the side and front yards in lieu of the rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

present garage needs to be replaced, need bigger one to house vehicles, property only has side yard

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. Upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Signature: Bernard J. Wingate
Signature: Verna D. Miller

Address: 98 Waelchli Avenue
City: Baltimore State: MD Zipcode: 21227

Phone No.: 536-9333

A Public Hearing having been requested and/or held as required, it is ordered by the Zoning Commissioner of Baltimore County, this 28th day of September, 1994, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

ITEM #: 86 JUN

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/ do presently reside at 98 Waelchli Avenue
Baltimore MD 21227

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

present garage needs to be replaced
need bigger garage to house vehicles
property has only side yard

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Bernard J. Wingate
Signature: Verna D. Miller

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of August, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bernard J. Wingate and Verna D. Miller

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 30, 1994
My Commission Expires:

Barbara Kopp, Notary Public
Annapolis County
State of Maryland
My Commission Expires Oct. 27, 1996

TECHNICAL DESCRIPTION 95-82-A

TECHNICAL DESCRIPTION FOR: 98 Waelchli Avenue, Baltimore, 21227

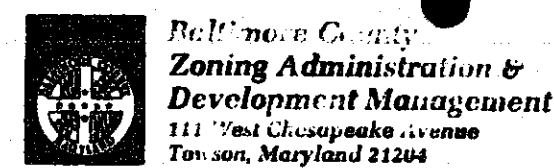
Election District: 13 Councilmanic District: 1

Beginning at a point on the southeast side of Waelchli Avenue, 600'± southwest from the intersection of Potomac Avenue, then proceeding northeast 191', southeast 80', southwest 191', and northwest 80' to a point of beginning known as 98 Waelchli Avenue, Baltimore, Maryland, 21227. Being Lot #1 and the n.w. 6' of Lot #2 as recorded in land records of Baltimore County on 2/3/94 at Liber SM No. 9046, Folio No. 455, containing 15,280 square feet (.35 acres).

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 9/9/94
Posted for: Variance
Petitioner: Bernard J. Wingate & Verna D. Miller
Location of property: 98 Waelchli Ave., 21227
Location of Signs: Along roadway on property being zoned
Remarks:
Posted by: [Signature] Date of return: 9/14/94
Number of Signs: 4



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-061-6150

Number: 056

Date: 9-7-94
WINGATE & MILLER-98 WAELECHLI
010 Res Var \$50
080 SIGN \$35
TOTAL \$85

01401W033PW1CMAC
84 C002-303-M09-02-94 185.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 86

Petitioner: WINGATE & MILLER

Location: 98 WAELECHLI AVE, BALTO, MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: VERNA DELLE MILLER

ADDRESS: 98 WAELECHLI AVE

BALTIMORE, MD 21227

PHONE NUMBER: 536-9333

AJ:ggg

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

1 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Mr. & Mrs. Bernard Wingate
98 Welchli Avenue
Baltimore, Maryland 21227

RE: Item No. 85, Case No. 95-82-A
Petitioner: Mr. & Mrs. Wingate

Dear Mr. & Mrs. Wingate:

The Zoning Planning Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 12, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jaw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-9500

(410) 887-4500

DATE: 09/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82, 83, 84, 85 AND 86.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 86 (JRA)

9-9-94

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 7, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 83, 85 and 86.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Amy L. Morris

PK/JL:lw

ZC83-85-86/PZONE/ZAC1

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 19, 1994

FROM: Robert M. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 19, 1994
Items 85 and 86

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/15/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept 12, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: Rev. 94-436 SPHA
82
86

LS:sp

LETTY2/DEPRM/TXTSBB

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 12, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Bernard Wingate and Verna Miller
98 Welchli Avenue
Baltimore, Maryland 21227

Re: CASE NUMBER: 95-82-A (Item 86)
98 Welchli Avenue
SE/S Welchli Avenue, 600' +/- SW of Potomac Avenue
13th Election District - 1st Councilmanic

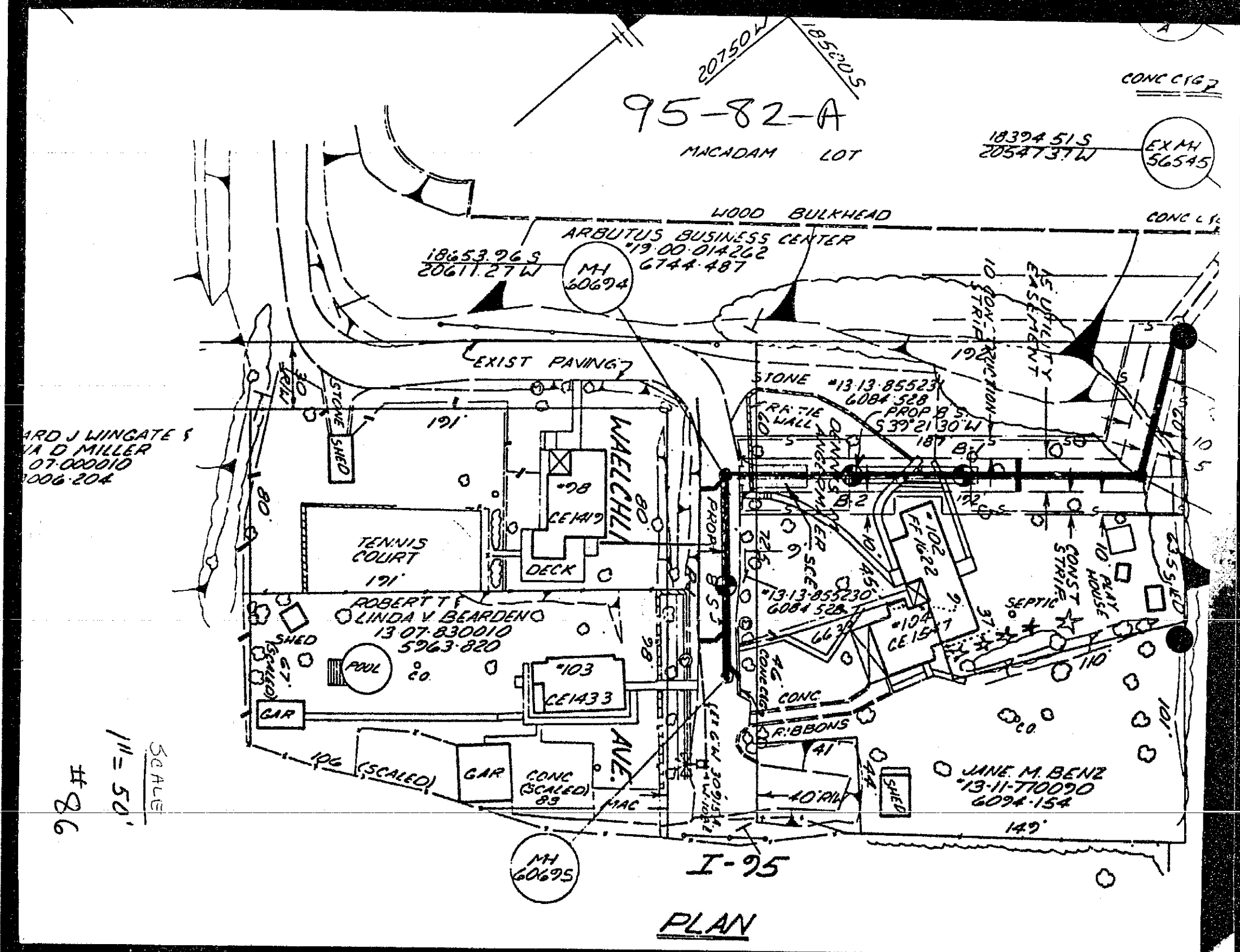
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

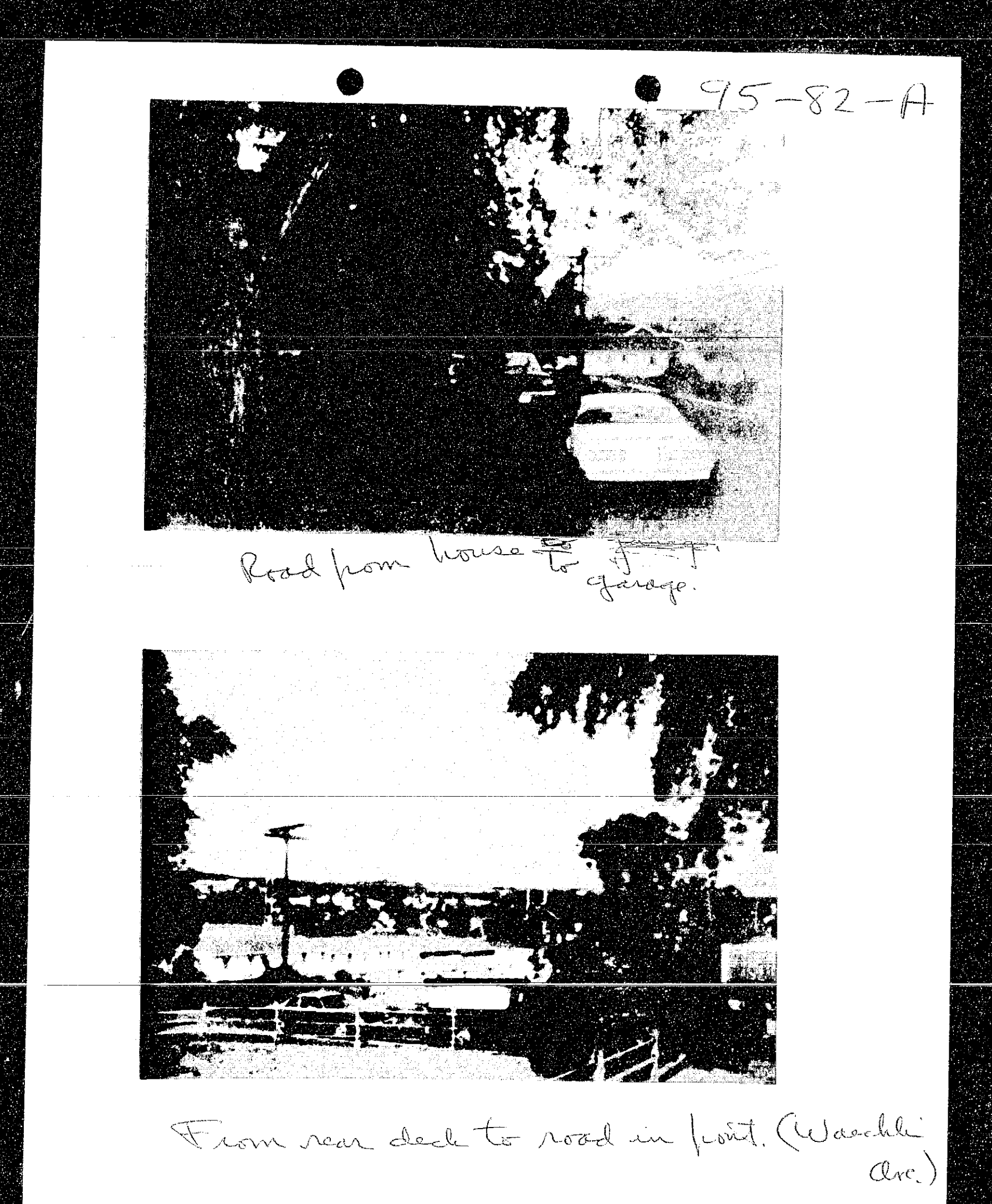
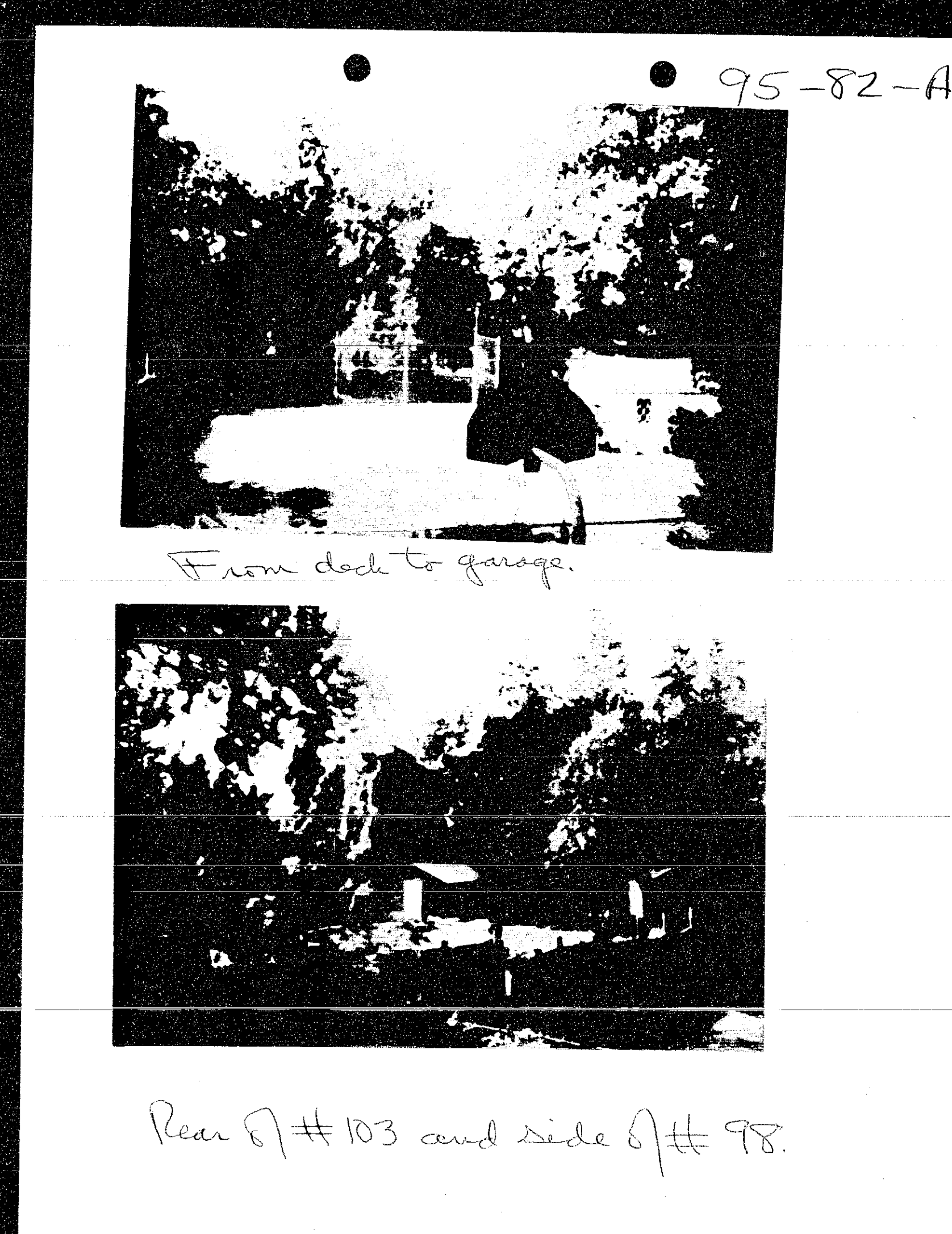
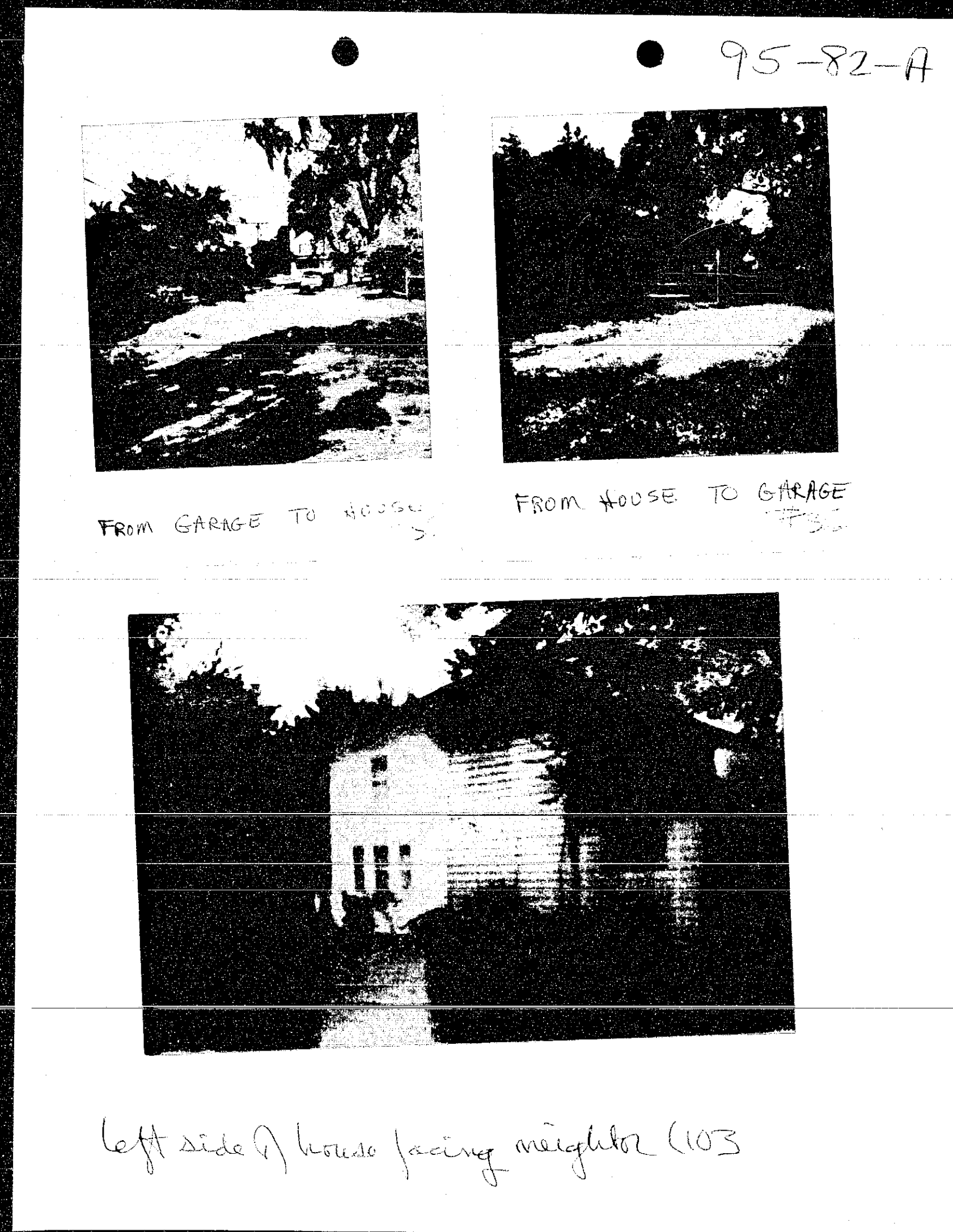
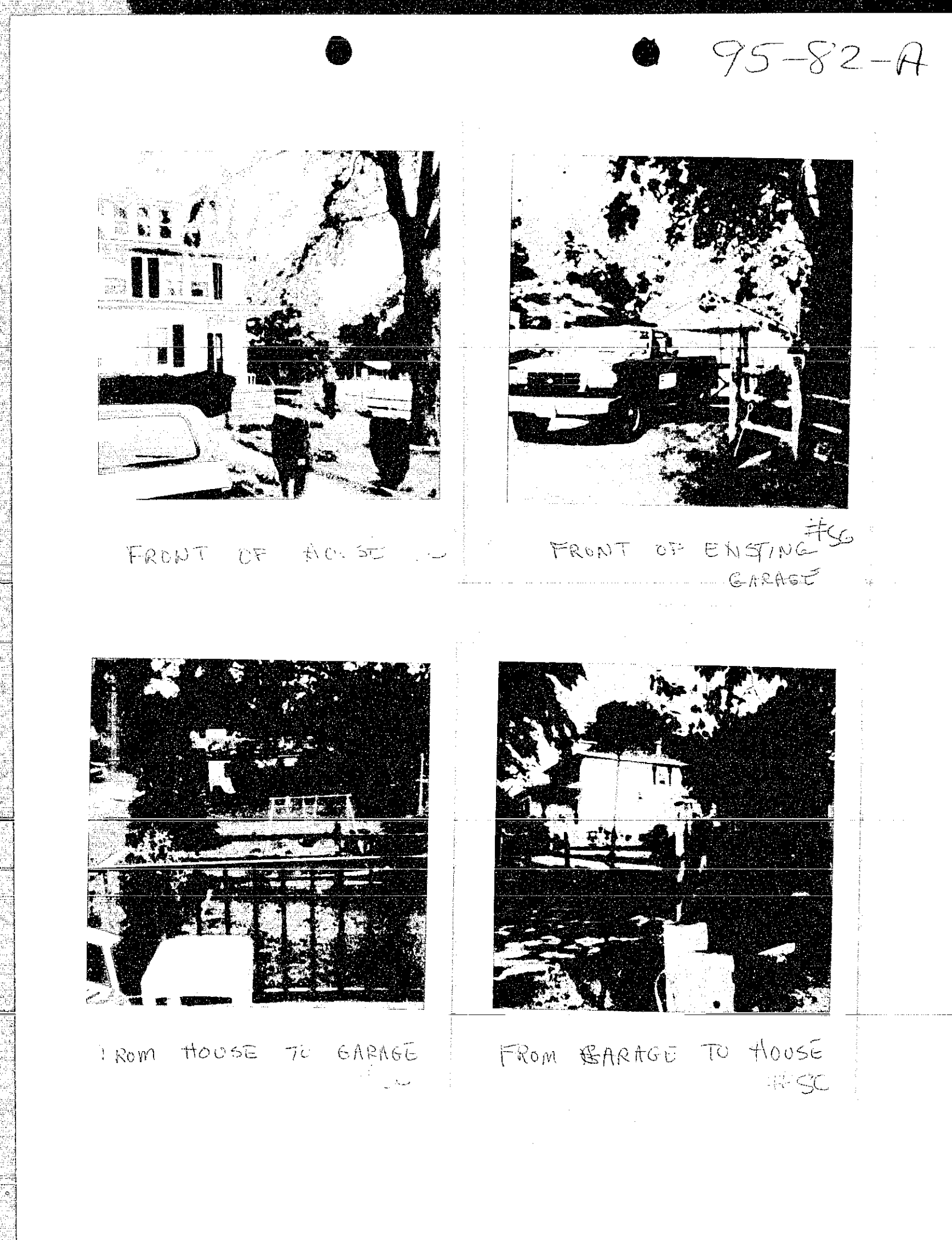
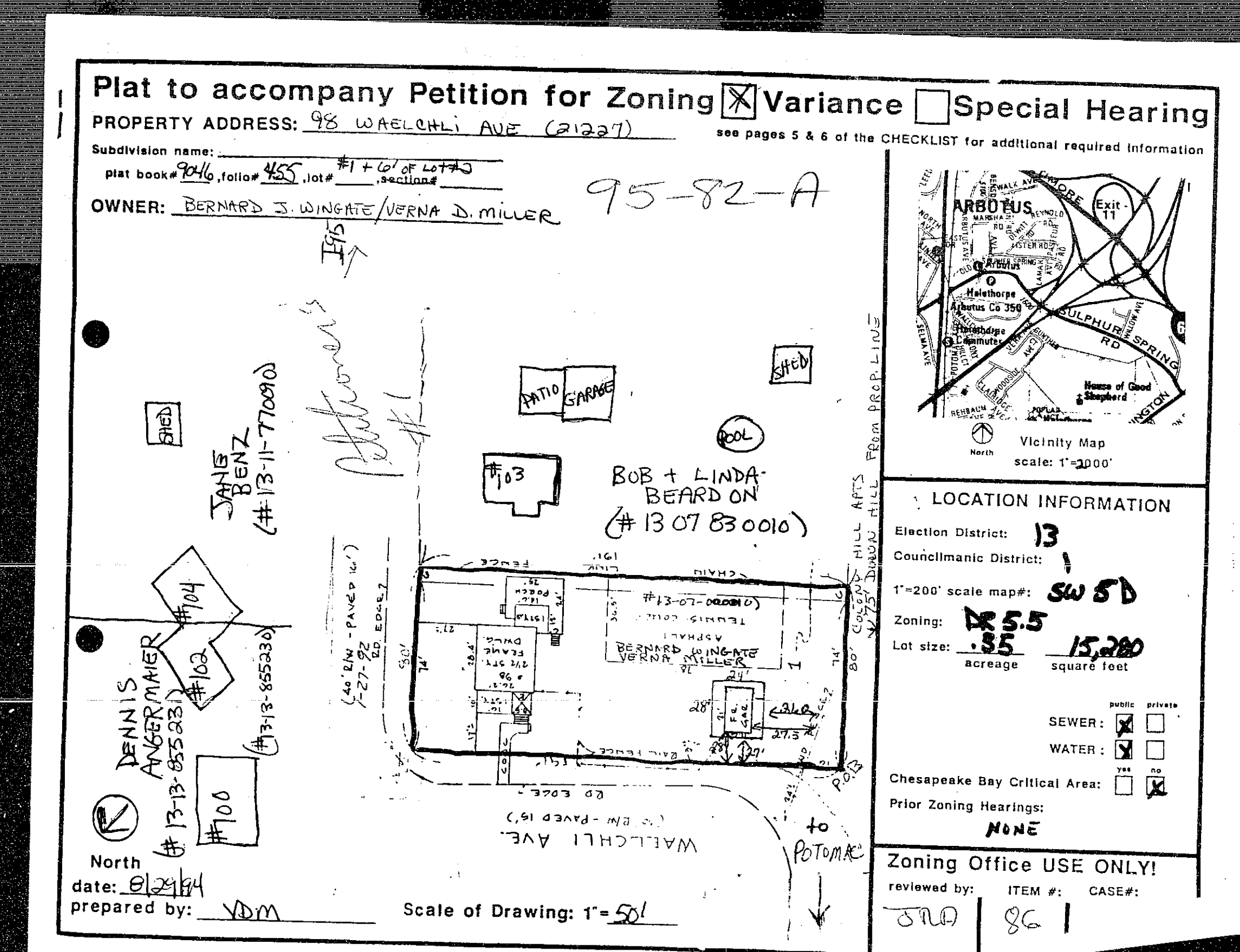
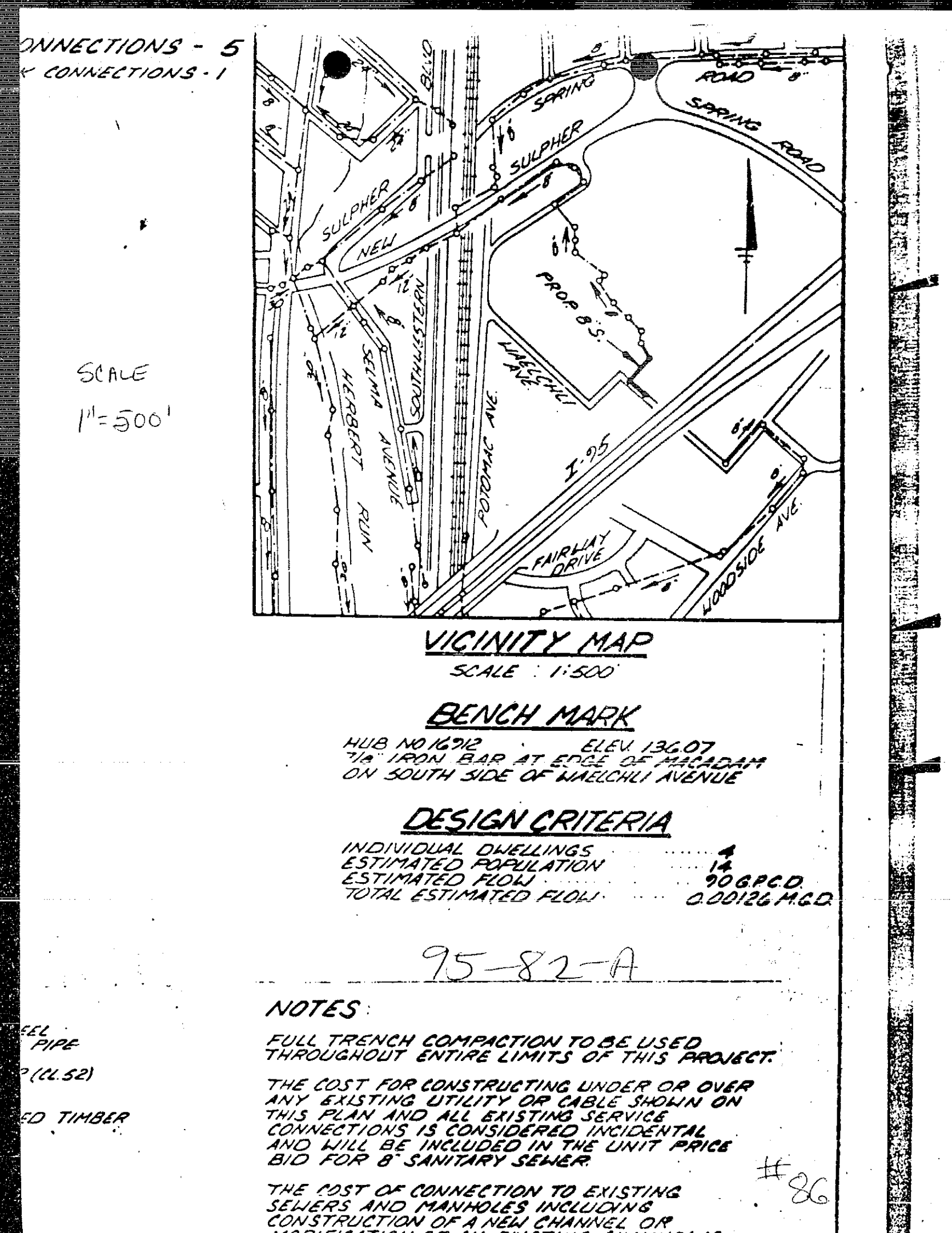
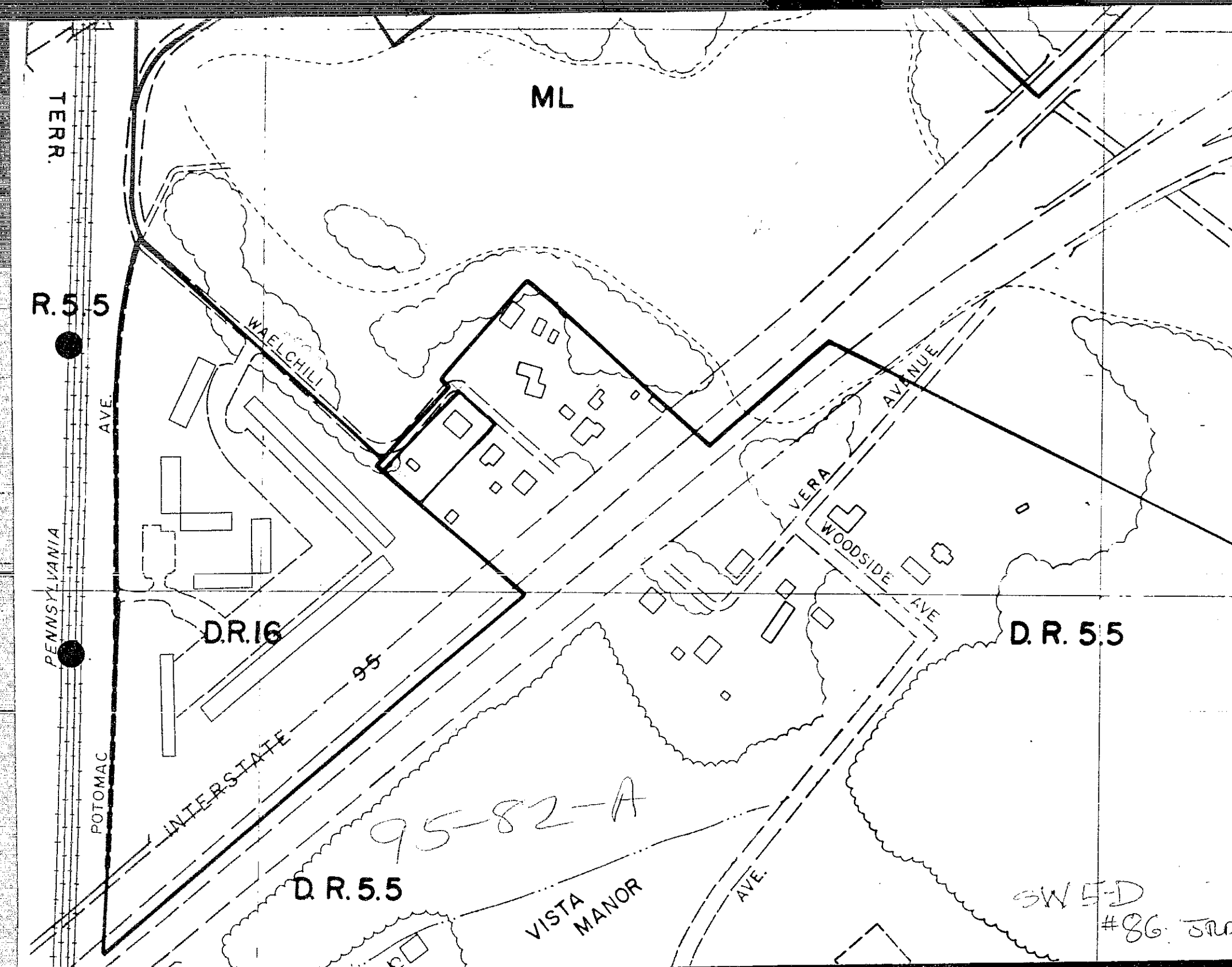
- 1) Your property will be posted on or before September 11, 1994. The closing date (September 26, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

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95-82-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HALETHORPE	S. W. 5-D
DATE OF PHOTOGRAPHY JANUARY 1986		